

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

AMERICAN AIRLINES, INC.'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure and Local Rule 56.1, the defendant, American Airlines, Inc. ("AA"), moves this Court for an Order granting it summary judgment on all claims asserted by the plaintiff in this action. The plaintiff cannot prove that AA or its employees discriminated against him intentionally, or that AA or its employees' actions were arbitrary and capricious, as required under the state and federal statutes pursuant to which the plaintiff has brought his claims. Furthermore, the plaintiff's claims are precluded by the Airline Deregulation Act.

In support of this Motion for Summary Judgment, the defendant relies on the memorandum of law, statement of material facts and exhibits submitted herewith. Based on the undisputed material facts of record submitted herewith, AA is entitled to judgment as a matter of law.

AMERICAN AIRLINES, INC.

By its Attorneys,

/s/ Amy Cashore Mariani

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 22, 2006.

/s/ Amy Cashore Mariani

Amy Cashore Mariani